



December 20, 2004

TO: Officials-in-Charge of Headquarters Offices
Directors, NASA Centers

FROM: Administrator

SUBJECT: Policy on Official Support and Endorsement of Qualified Fundraisers

This memorandum provides the NASA policy for support and endorsement of certain qualified fundraisers. According to 5 CFR § 950.102(a), the Combined Federal Campaign (CFC) is the only authorized solicitation of employees in the Federal workplace on behalf of charitable organizations. The same regulation allows an exception to this prohibition for solicitations conducted by organizations composed of employees among their members for organizational support or the benefit of welfare funds for their members. *See* 5 CFR § 950.102(d). I hereby exercise my authority to establish policies and procedures applicable to these types of solicitations under 5 CFR § 950.102(d).

The policy and procedures applicable to qualified fundraisers are outlined below and both are effective immediately.

Policy and Procedures

A. Qualified Fundraisers

Consistent with the recommendation of the Designated Agency Ethics Official, I will consider authorizing solicitations for qualified fundraisers in the Federal workplace for: (1) an organization composed primarily of NASA employees and/or their dependents, and (2) when the fundraising is among NASA employees for organizational support or for welfare funds that exclusively benefit NASA employees and/or their dependents.

NASA employees shall not officially endorse, or appear to endorse, membership drives or fundraising in the Federal workplace, other than for CFC or qualified fundraisers.

B. Authority to Approve Qualified Fundraiser Activities

Once I have authorized solicitations for a qualified fundraiser, appropriate Headquarters officials may, consistent with the concurrence of the General Counsel, approve qualified fundraiser activities at NASA Headquarters. Center Directors may approve activities for qualified fundraisers, consistent with these guidelines, at the NASA Centers, consistent with the concurrence of their respective Chief Counsel.

C. Use of Titles, Positions, or Organization Names

NASA employees may participate in qualified fundraisers in an official capacity, and so may use or allow the use of their titles, positions, or authority. Qualified fundraisers are an exception to the general rule that employees may not officially endorse or use titles, positions, or organization names to suggest official endorsement or preferential treatment of any non-Federal entity, service, fund, or event.

D. Fundraising in the Federal Workplace

Qualified fundraisers established under this policy are an exception to the rule found in 5 CFR § 950.102(a) that Federal fundraising outside of the CFC is prohibited in the Federal workplace.

E. Voluntary Contributions

Each employee may be given the opportunity to contribute voluntarily to a qualified fundraiser through on-the-job solicitations and other fundraising events. To satisfy this requirement, all contributions must be kept confidential and all solicitations shall include a statement that an employee may give any amount or none at all without fear of negative consequences.

F. Impermissible Actions

Any fundraising must ensure that there is no possibility or appearance of pressure, compulsion, coercion, or reprisal. In this regard, prohibited actions include:

- a. Solicitations of contributions by supervisors from subordinates. This does not prohibit Agency officials from allowing “kick off” activities or demonstrating support for qualified fundraisers, and it does not prohibit individual supervisors from encouraging participation, such as through a broadly distributed memorandum.
- b. Person-to-person solicitations of employees by managers, supervisors, campaign organizers, or others.
- c. Creating, maintaining, or using lists of individuals who do not contribute.
- d. Providing and using contributor lists for purposes other than routine collection and forwarding of contributions.
- e. Supervisory inquiries concerning an employee’s personal participation in a qualified fundraiser. This does not, however, preclude a supervisor from awareness of summary information about organizational participation.

- f. Publicizing an employee's particular donation election, or choice not to participate in a qualified fundraiser, without the employee's consent.
- g. In addition, employees may not solicit contributions from non-Federal individuals or entities. Although non-Federal individuals or entities may contribute to a qualified fundraiser, under no circumstances may such contributions be directly solicited.

G. Goal-Setting and Tracking

Dollar goals may be set at the Headquarters or Center level. Individual goals, quotas, or prescribed amounts for individual contributions are prohibited. Use of a "thermometer" is appropriate at the Headquarters or Center level, but, if used, should show only the progress of the entire site toward a goal or the site's total contribution. Unit or office contributions will not be highlighted in any way.

H. Awards and Rewards

No awards or rewards will be made to individual solicitors for achievements in a fund drive. Incentives or rewards to those who contribute to fund drives are likewise prohibited. Superiors will give no awards to their subordinates for goal accomplishment or percentage of participation. Employees may, however, be recognized for exceptional performance in the organization or administration of a campaign.

I. Publicity

Qualified fundraisers may be publicized on a continuing basis. Since qualified fundraisers fall outside of the CFC regulations, the Agency is permitted to promote them, even during the annual CFC campaign. However, qualified fundraisers should not be organized in such a manner or at such a time so as to interfere with the success of or to compete with the CFC campaign during the CFC campaign season.

J. Acceptable Special Fundraising Events and Fundraising Methods

Special fundraising events such as marathons, walk-a-thons, car washes, sports events, carnivals, and bake sales, as deemed suitable by the designated Headquarters official or Center Director concerned, may be used to raise money for a qualified fundraiser. Conduct of such events must always be guided by good taste and common sense.

Gambling activities are allowed under the CFR in conjunction with qualified fundraisers or when necessitated by an employee's official duties, subject to the limitations of local law and when approved by the Administrator, Center Director, or designee. This is an exception from ethics regulation 5 CFR § 735.201, which normally precludes, while on Government-owned or leased property or while on duty for the Federal Government, Federal employees from participating in "gambling activities." Gambling activities include "the operation of a gambling device, conducting a lottery or pool, a game for money or property, or selling or

purchasing a number slip or ticket.”

Additional restrictions prohibit gambling on Federal property owned or controlled by the General Services Administration (GSA) under 41 CFR § 102-74.395, so a thorough legal review and concurrence is always necessary prior to such activity.

K. Contact Information

Questions on these policy guidelines should be addressed to the Ethics Practice Team, General Law Practice Group, Office of the General Counsel, at 202-358-2465 or at ethicsteam@hq.nasa.gov.



Sean O'Keefe



December 20, 2004

TO: Officials-in-Charge of Headquarters Offices
Directors, NASA Centers

FROM: Administrator

SUBJECT: Authorization of Solicitations for the Family Assistance Fund

The NASA Family Assistance Fund (the Fund) provides emergency financial assistance and educational assistance to families of NASA personnel in need. A qualified fundraiser is one in which an organization composed primarily of NASA employees or their dependents conducts fundraising among their own members for organizational support or the benefit of welfare funds for their own members or their dependents. The Fund meets this definition. For this reason, I hereby approve the NASA Family Assistance Fund as a qualified fundraiser and authorize solicitations for the Fund in accordance with the policies and procedures established for such fundraisers.


Sean O'Keefe